

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Part 97 of the)	WT 16-239
Commission's Amateur Radio Service)	RM-11708
Rules to Facilitate High-Frequency)	RM-11759
Data Communications)	

To: The Chief, Wireless Telecommunications Bureau
Via: Office of the Secretary

11/25/18 REPLY COMMENTS TO JAMES RUSSEL NQ5L 11/19/2018

I, Janis Carson, wish to reply to the James Russel comments FCC ID: 1118508209904
<https://ecfsapi.fcc.gov/file/1118508209904/FCC%20RM-16239.pdf>

A. INTRODUCTION:

The FCC, Russel, and I agree the baud rate rule is obsolete. I only disagree about the method. Russel and I are FOR use of amateur radio for legitimate emergency communications. I have filed a petition to exempt RACES from current regulations, to give a "Special Permanent Authorization" instead of waiting for 16-239 deliberations to end.

<https://ecfsapi.fcc.gov/file/120762254440/FCCpetitionRACESdigital.pdf>

Russel states: "Commercial services were simply not available in the area for several weeks following the hurricane." The 90% commenting in 16-239 oppose the most common non emergency uses. A Pactor advocate says: <http://www.pactor.com/> "17-FEB-2018: Use of PACTOR-4 is still questionable within US ham radio jurisdiction and is mostly used to transfer files (email, pictures, etc.) to private or public mailboxes outside the USA. PACTOR-4 remains a substitute for those unwilling to pay for mobile offshore internet." Russel states: "The only current use for Pactor on the amateur bands is for email and file transfer to bypass commercial services" show a lack of knowledge and a lack of respect for those of us who choose to engage in public service as a vital and necessary component at the very heart of amateur radio." I know of no comments in these proceedings which intended disrespect for Russel's public service work, and he completely misses the point about free HF email for non emergency uses of Winlink.

Russel says: "Anyone familiar with the slow speeds available at best over HF radio would never use that if there were a commercial alternative available." The current commercial alternatives to Winlink in the amateur bands is Sailmail or satellite phone. For liveaboard sailors or long term RV-er's, Winlink is in "regular use" on a daily basis for extended periods, and generates significant traffic, some of it commercial in nature. The entire spectrum of amateur radio is not sufficient to satisfy the appetite for hyper-connectivity that people have become "entitled" to, in spite of their choice to live off grid. I am AGAINST the exploitation of amateur radio for commercial or illegal use as a private radio network. Russel states: "In my experience, no amateur operator or organization has ever promoted using email over radio as a free alternative to commercial services, but as a very viable alternative when commercial services are not available. That is a specious argument and should be disregarded." **I present below factual evidence to refute that claim.**

Russel frames opposition to 16-239 as ignorance and "a failure to recognize the modest nature

of the proposed changes.” Modest? With no band width limit emissions allowed anywhere in the HF DATA segments, it is the most radical and destructive rule change the amateur service has ever seen, and it will fail to deliver promised goals besides.

B. MYTHS VS FACTS:

1. Regarding emergency communications, see the Moloney comment:

<https://ecfsapi.fcc.gov/file/1012254347531/FCC%20comment%20PS%20docket%2017%20344.pdf>

“The use of Pactor 4 for amateur radio was approved but since we had no Pactor modems it was not used.” The “Force of 22” was deployed without SCS Pactor Dragon modems to USE Pactor 4 in spite of ARRL's request for an STA. Operations, if any, used Winmor or a narrow band mode, or were done in SHARES spectrum, as stated in the comments of several deployed in 17-344. The real demand in Puerto Rico was for VHF communications. Winlink and Pactor 4 was not the panacea Russel or the ARRL suggests.

This filing is significant too: <https://ecfsapi.fcc.gov/file/10305432312740/180210301-1.pdf>

First, the FCC held this, then allowed it to be entered into the record as from a credible source. Second, the person “anonymous” is possibly risking his career in testifying about Puerto Rico. His stunning conclusion: “It is recommended that an outside organization, away from the ARRL research and develop a methodology that can improve this valuable emergency response resource for the national good.” Many of these 17-344 reports about Puerto Rico communications demonstrate that Pactor 4 was not the method of choice that solved all problems.... Balloons with cellular service from Google were an innovation that solved problems, from the marketplace. Now that is an example of a Special Temporary Authorization (STA) that had real quantifiable results. Portable emergency cel systems like Star Solutions International make Winlink obsolete and irrelevant (ID 10219058185498):

<https://ecfsapi.fcc.gov/file/10219058185498/FCC%20Ex%20Parte%20Presentation%20%E2%80%93%20PS%20Docket%20No.%2017-344.pdf>

The ARRL's disproportionate focus on Winlink Pactor 4 for emergency communications does not justify ignoring serious underlying problems with 16-239 to blindly adopt its deeply flawed petition.

2. Regarding promotion of amateur radio as a thrifty alternative to commercial services, here is the history. Winlink's beginnings; Sailmail, (Waterman) and SSCA (Dave Skolnick):

<http://www.nytimes.com/2001/11/22/technology/radio-e-mail-connects-ships-to-shore.html>

“Through threats of legal action, PinOak succeeded in 1999 in thwarting the startup of an SSB e-mail cooperative planned by Mr. Waterman and the Seven Seas Cruising Association, a nonprofit organization with a membership of some 11,000 cruising sailors. PinOak failed, however, in its efforts to block SailMail's application to the Federal Communications Commission for additional station licenses to expand its network.” Winlink and Pactor 2, 3, 4 were optimized with features for Sailmail. Waterman is an officer of Winlink collaborating with SSCA to promote its use.

3. Regarding actual practice of misuse of amateur spectrum and those promoting it, see this FCC filing from a blue water sailor: <https://ecfsapi.fcc.gov/file/7521315143.pdf>

“To: FCC – RM-11708 The sailing forms are all engouraging us to file comments in support of RM-11708. This is my first filing and if I mess this up, please see SailNet Forum at:

<http://www.sailnet.com/forums/general-discussion-sailing-related/111746-us-citizens-urged-support-fcc-rm-11708-a.html>

I have experienced very dependable service from the amateur radio Internet Winlink system. Its a great service because all of the other available Internet services cost money. Even when I am topside crusing the system runs automatically below deck publishing my position reports and downloading my email. I use the system for sending position reports, ordering supplies, repairs, chatting with friends and posting

to facebook. My only complaint is that it needs to be much faster. I am not a amateur radio operator yet but a friend lets me use his call with a SIDD on the end. I hope to get my own ham call soon. From what I read on the sailing forums, RM-11708 will allow Winlink eMail to run twice as fast. That is great and I am for that. Some of the technical folks are saying that if RM-11708 is published with no bandwidth we can get even faster Internet and might be able to stream movies on the Winlink Internet. I'm for passing RM-11708 into law with no bandwidth limits." - Randal Evans

4. Analysis: A licensed amateur operator advocated free email via Winlink and even loaned his call sign and Winlink account. If you visit the sailing forum noted in the Evans comment, you will find "A sample statement of support, provided by Phil Sherrod W4PHS... Originally Posted by "W4PHS"" This is from Sherrod, a Winlink officer, on a SAILING forum promoting Winlink and Pactor 4 use on amateur frequencies, advocating for passage of RM-11708. You see there KO4MI, Dave Skolnick S/V Auspicious, SSCA Board of Directors, Immediate Past President reposting Sherrod's talking points and instructions on how to file in RM-11708. This shows SSCA and Winlink's connection to promotion of free email for yachts and its intent to influence the outcome of RM-11708. ARRL is the author of RM-11708 and subsequent 16-239, and has promoted it in its QST magazine.

5. Conclusion of rebuttal of promotion by amateurs and organizations: Russel states: "In my experience, no amateur operator or organization has ever promoted using email over radio as a free alternative to commercial services, but as a very viable alternative when commercial services are not available. That is a specious argument and should be disregarded." The use of Winlink as a thrifty alternative to Sailmail is apparently "not in Russel's experience", and he is inaccurate in this position. Moreover to invoke "emergency communications" as a justification for the main non emergency use is disingenuous. Randal Evans and others ordering parts, supplies, posting to Facebook or blogs is not emergency communications. It is NOT "specious" to point out these facts, which are relevant to 16-239 proceedings. Further proofs are in the appendix after the signature.

C. CONSEQUENCES OF CURRENT 16-239 ARRL AND FCC POSITION:

1. ARRL states in <https://ecfsapi.fcc.gov/file/7521063715.pdf>

"It is not desirable to permit by rule an environment in which a few data stations using large swaths of spectrum could operate to the detriment of other modes in the very narrow HF Amateur allocations." As 16-239 is currently written, the FCC does not limit band width, and any HF spectrum user could justify using the entire DATA segment simply because he wishes faster data transfer. It could be an individual or a group of users who pool their resources, not just the Winlink emergency operations Russel seems to defend. This situation is unsustainable and out of step with IARU agreements as well as "accepted standards" the FCC has traditionally held in the past. Now, 16-239 allows the following situation, quoted from page 53, English version, **SCS Pactor 4 modem manual**:

http://www.p4dragon.com/download/InstallationGuide_DR-7X00.pdf

"2.1 SCSmail: SCSmail has been developed to enable users of SCS PACTOR modems to easily establish an own email system without additional costs. SCSmail is freeware and will be distributed via the SCS CD and the SCS website. It is not the intention of SCSmail to replace or to interfere with existing professional HF email providers with their highly sophisticated solutions and services. Its purpose is just to give private users and small organizations the chance to quickly install an own, private email service without additional costs and without the need to subscribe to an existing provider and with this being dependent from an external service."

This means ANY person, group of people, or organization can operate a free HF email service in addition to Winlink, ARRL, or emergency communicators. A yacht club, or group of yacht owners could have free HF email without ANY connect time limits. This could also be people with bad intent,

and without the means to monitor content of ARQ mode transmissions, there is a very real threat. If amateurs or the Amateur Auxiliary cannot self monitor, and the FCC cannot monitor, and the FBI cannot monitor, just WHO IS RESPONSIBLE to monitor? "See Something, Say Something" only works if you CAN "See Something" and if the people you report it to "DO Something". This is exactly the scenario of "its not my job" that resulted in nine eleven. The FCC really needs to take a hard look at the appropriateness of these other uses, apart from legitimate emergency communications (which should be in the hands of a competent supervising government agency, such as the case with RACES or SHARES).

2. SUMMARY AND LAMENT: In recent years, radio amateurs seem to have moved into unproductive warring tribal coalitions that cannot get to "yes" in any negotiation. I regret that the ARRL has burdened the FCC with this plight by its intransigence. The FCC itself offered TWO possible outcomes in 16-239: "by band width" or "in various band segments." Please choose "band segments" as 16-239 allows, and 90% of commenters have requested rather than by "band width" as ARRL petitioned. One FCC 16-239 choice leads to chaos, continued conflict and enforcement expense; the other could produce peace and mutual respect and provides a solution which serves the emergency communications need and protects *everyone* by "mitigating" "congestion" in the HF DATA segments. Please implement these petitions and recommended actions expeditiously, because there is nothing new to add after 5 years of debate.

D. RECOMMENDED FCC ACTIONS:

1. I urge the FCC to revise or reject WT 16-239 as currently written, and RM-11708, RM-11759 and to direct the ARRL to come up with a better comprehensive proposal conforming to world wide IARU band plan for ACDS segments which contain all email or automatic use.

2. The ARRL has failed to explain, as the current 16-239 provides, how a system like Winlink, which uses assigned channels on HF as its inherent design, can satisfy: 97.101 General standards. "No frequency will be assigned for the exclusive use of any station." While FM repeaters on VHF/UHF employ locally coordinated channels for its short range, this practice will not work on world wide HF in any implementation of automatic or "remote" control outside the ACDS segment. If permitted, email store and forward must be contained within an ACDS segment, just as the FM repeaters on 10 meters are, to be consistent with "good engineering and amateur practice".

3. Request a new plan from the ARRL for spectrum sharing that will work, by confining automatic or semi automatic email store and forward data to ACDS segments, rather than allowing unmanned, unlimited band width data transmissions on "assigned" frequencies throughout the entire HF DATA segments.

4. The ARRL has failed to explain how a world wide communication system like Winlink (which does not cause immediate disconnect upon illegal content or unauthorized access in its inherent design) complies with: 97.105 Control operator duties (a) "The control operator must ensure the immediate proper operation of the station, regardless of the type of control." Winlink allows 97.219(d)(1) "unauthenticated" access with prohibited content to the system without an immediate disconnect feature for Randal Evans and also for unlicensed onshore third parties via internet email by simple insertion of //WL2K at the beginning of your subject line: <http://www.arrl.org/ares-el?issue=2018-11-21#toc03>

5. Request that Winlink implements measures to fix the deficiencies noted above, for spectrum management as well as security reasons. They must 97.219: "Authenticate the identity" and 97.105: "ensure the immediate proper operation of the station, regardless of the type of control."

6. After the ARRL and Winlink address these essential issues, they are free to debate the size of the ACDS segments, how they conform to world wide IARU requirements, how much space is required for

legitimate emergency communications, and how much additional space they want for the non emergency uses. It should justify why such non emergency use should be permitted, and how it plans to fix the known problems with it before any FCC rules are changed.

7. The FCC current 16-239 includes contradictory and impractical methods that preserve transmission band width limits of 20 Khz on VHF and 100KHz on UHF while deleting all such limits on HF, which should be revised or rejected, as explained in this petition:

<https://ecfsapi.fcc.gov/file/1116853100153/petition2%20%20to%20dismiss%2016-239.pdf>

8. It IS possible for the FCC to implement no HF transmission band width limits, but ONLY if it confines it to ACDS segments, where it will not cause “congestion” in the separate DATA segment. That could be a simple solution, if provided in the new 16-239 revision.

9. Request that ARRL not petition again on these matters until they have conducted a genuine survey, including incorporating opposition comments in 16-239. 80% of US amateurs do not belong to ARRL. It should be a comprehensive Omnibus style plan, not this patchwork of uncoordinated petitions.

10. RM-11759 includes license restructuring, yet ARRL has a new contradicting petition (no RM yet) for adjustment of Technician HF privileges. Reject *both* for an Omnibus method.

11. In the interest of national security and rules compliance, the FCC should prohibit HF transmissions that are not clearly identified, and are not decodable for monitoring or enforcement, as one pending petition advises. Please adopt this petition as a rule:

<https://ecfsapi.fcc.gov/file/100918881206/PETITION%20FOR%20RULEMAKING.pdf>

“To ensure that the amateur service remains a non-commercial service and self-regulates, amateur stations must be capable of understanding the communications of other amateur stations.” http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db0918/DA-13-1918A1.pdf

12. I also request the FCC (Laura Smith) perform a test of an SCS modem to verify it cannot decode off air live Pactor 2, 3, 4 ARQ mode transmissions to end “He said, they said” discussions. It must answer the question: "YES OR NO: Will this device or any device/software decode any compressed ARQ mode as currently used in the amateur radio bands."

13. After the decoding test, close the comments and act. There is nothing new to add.

14. If the FCC chooses to subsidize free email for blue water sailors, it should give more HF channels in the commercial spectrum to Sailmail free of charge to allow more connect time or promote better satellite internet service for under served populations.

Sincerely and respectfully,

/S/

Janis Carson, AB2RA, licensed since 1959, ARRL member 40 years

APPENDIX, Please incorporate by reference these comments in this reply to Russel:

My previous comments, please incorporate by reference, since they cover all Russel's concerns:

<https://ecfsapi.fcc.gov/file/1012251185288/FCC%20PS%20DOCKET%2017-344.pdf>

<https://ecfsapi.fcc.gov/file/1022189744573/FINAL%20PSHSB%2017-344.pdf>

<https://www.fcc.gov/ecfs/filing/120762254440>

<https://ecfsapi.fcc.gov/file/10100754910405/MATTHEW%20PITTS%20REBUTTAL1.pdf>